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BOOK WEEK

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THE QUESTION OF THE WARREN REPORT

A scrupulous appraisal of a book that raises 'monumental doubts' about the work of the Commission

By Richard N. Goodwin

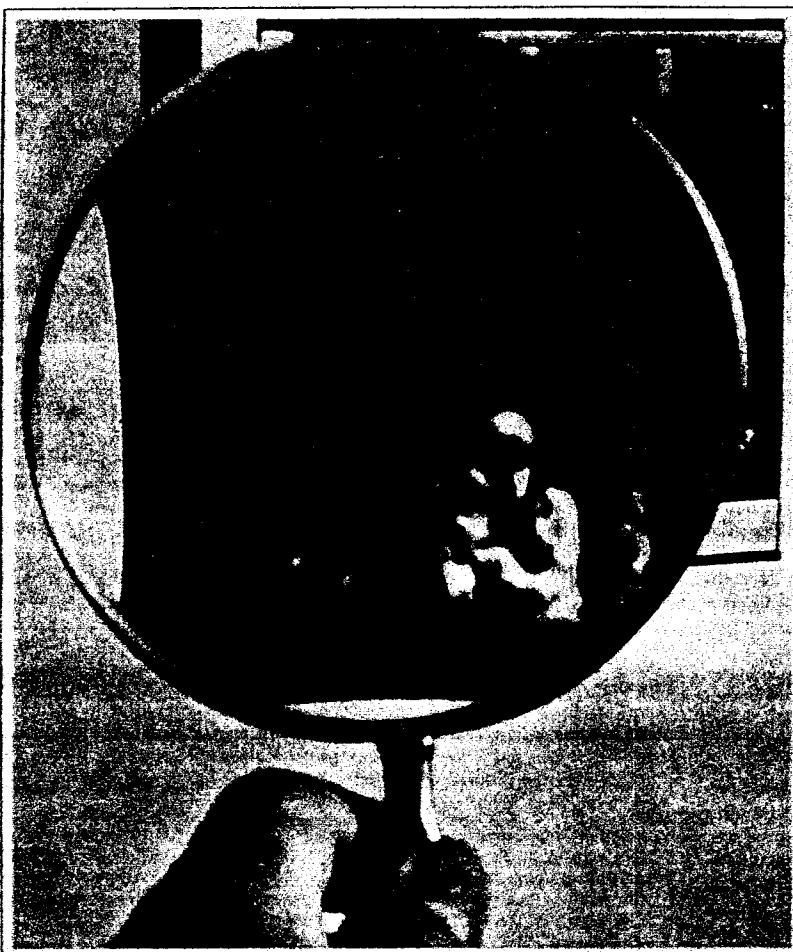
Inquest: The Warren Commission and the Establishment of Truth. By Edward Jay Epstein. Viking. 224 pp. \$5.

During the blurred, unsleeping days after the assassination, the White House planning of the funeral and ceremonies of mourning was constantly interrupted by reports from Dallas. A man called Oswald had been arrested. A police chief claimed Oswald was the assassin. Ruby had shot Oswald. None of it stirred discussion or pause in the frantic labor which was diverting the contemplation of grief. Oswald, Ruby, Dallas were meaningless trivialities whose unfelt pronunciation could neither deepen nor relieve the web of anguish which bound us. In all the world there was only one fact: Kennedy was dead.

More than anything else this explains why those who worked with President Kennedy, even those in the outer rings of relationship such as myself, welcomed with such swift acceptance the conclusions of the Warren Report; even though few had read it thoroughly and almost no one had examined the evidence on which it was based. There was, of course, the fact that the integrity and purpose of the Commission were beyond question and its members were men of skill and intelligence. There was the almost unanimous praise of newspapers and commentators who we assumed, if we thought about it at all, had followed the course of investigation and studied the answers. This would not ordinarily have been enough for those who had learned the lesson of the Bay of Pigs: that neither position, conviction, sincerity, nor expert knowledge precluded the need for independent judgment of the evidence. This time, though, there was only room for grief; and a lone madman compelled neither hatred nor effort nor calculation.

In the months that followed the demagogues, charlatans, and self-promoters—with their unprovable theories of conspiracy and plot—only deepened conviction. The ease of refutation and the often obvious motives made the Warren Report more certain. Still, few read the

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report and fewer examined the evidence.

Mr. Edward Jay Epstein has now written a book which, after the passage of three half-healing years, not only raises questions but demands exploration and answers. It calls upon us to look at the assassination without horror or wish and with the clearness of a passion for sure retribution.

Let us be clear what this book does not do. It does not show that anyone besides Lee Harvey Oswald was even remotely involved in the assassination. Therefore it does not prove that the basic conclusion of the Commission was wrong. It does not demonstrate or even contend that the Warren Commission tried to conceal or mask important evidence. Nor is there

any doubt that the purpose of the Commission was to discover and disclose the vital facts. Rather than the assassination or the integrity of the Commission, the concern of this book is with the adequacy of the investigation. On that the author concludes, "Rather than being 'exhaustive' . . . [it] was actually an extremely superficial investigation limited in terms of both time and manpower, and consequently limited to the more prominent evidence."

I cannot finally judge the truth of this conclusion. It rests not simply on the force of reason or style, but the reliability of Mr. Epstein's evidence and his own truthfulness, detachment, and reliability in its interpretation. Some of the most

damaging evidence, for example, comes from oral interviews with staff members, who are not known to us and whose criticism of the Commission may well be colored by the normal frustrations and grievances of those whose ideas are not always accepted by their superiors. Nor, since this book began as a master's thesis, are we sure that those interviewed realized that their opinions might be published; a knowledge which would have warned them against the hyperbole natural to a casual conversation destined for burial in a university library. Also, it is unfortunate that, as far as appears, the final manuscript was not submitted to General Counsel J. Lee Rankin for comment and the chance to offer alternative views of specific evidence since, as the sole important contact between the Commission and its staff, he had different insights into motivations and reasoning. After all, we are not merely admiring an impressive work, which this is. We are assessing the deadly serious issue of a charge against the adequacy of the investigation of the murder of John F. Kennedy. On this issue, as Mr. Epstein asks us to do on the findings of the Commission itself, we must make an independent judgment of the facts and their proper interpretation.

Yet this is not, as so many earlier books clearly were, an obviously self-seeking work with glaring gaps of reason and evidence. And with all these caveats, Mr. Epstein makes his case in so logical and detached a manner that it demands equally serious exploration and refutation to satisfy us that we have established the lone guilt of Oswald to the limit of human possibility. If we cannot deny this book, then the investigation must be reopened if we wish to approach the truth more closely.

The story behind the book adds to its weight. As a student at Cornell University Mr. Epstein began, at the suggestion of Professor Andrew Hacker, a master's thesis on the problem of how a government organization functions in an extraordinary situation without rules or precedents. When he began his study, he tells us in his preface, "I thought the problem far less complicated and intriguing than it proved to be." And it seems that throughout his research, he was not trying to prove a case of his own, nor trying to support a theory, nor attempting to discredit the Com- (Continued on page 10)

The question of the Warren Report

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carded as highly unreliable. The Commission itself was careful not to give decisive weight to the testimony of the man who claimed to have seen Oswald. When the redraft was completed one of the most active junior attorneys, Wesley J. Liebeler, wrote a 26-page memorandum attacking the chapter point by point, concluding that "this sort of selection from the record could seriously affect the integrity and credibility of the entire report." The chapter read, he later told Epstein, "like a brief for the prosecution." The initial reaction was "No more memorandums! The Report has to be published." According to Liebeler, the author of the redraft defended his work with the claim he had written the chapter exactly the way the Commission wanted it written. Finally the dispute was settled by Rankin, who accepted some of the criticisms, glossed over a few, and rejected most of them.

After a moderately detailed analysis of some of the objections to the chapter, Mr. Epstein concludes that Chapter IV is "not an impartial presentation of the facts." It is possible, perhaps even likely, however, that the final draft of the Chapter was a complete and accurate presentation, that Liebeler's objections were erroneous, and his later comments to Epstein self-serving. (He appears to be a principal source for the material in the book.) However, such important staff differences about the reliability of evidence and the selection of material might have better been the subject of intense and detailed examination by the Members of the Commis-

sion. Again it is the process of investigation, and not the specific conclusions, which are under attack.

At the heart of Epstein's analysis is what he rightly calls the threshold question: Was Oswald the only assassin? If he was, then the matter is ended. If he was not, then we must move into long, twisting, and complicated paths of investigation and analysis. We all know, and have been told many times since the Report, that it is impossible to prove a negative: it can never be established to the limits of certainty that no other person had a hand in the assassination. Mr. Epstein, as he must, grants that limitation. He says, however, that the conclusion Oswald acted alone rests on two assumptions. The first is that all relevant evidence was brought before the Commission. The second is that all evidence was exhaustively analyzed, all alternatives were thoroughly explored, and all possibilities were investigated and tested to the limit of human capacity. He claims that neither of these assumptions is true. Possibly relevant evidence was not brought before the Commission, including individuals who claimed to be eyewitnesses to a very different scene from the version most of us have accepted. Other possibilities were left unexplored, such as the statements of witnesses that they had heard shots and seen smoke from a "grassy knoll" between the overpass and the Texas Book Depository. Epstein concludes, and supports his conclusion with specific examples, that "the staff [did not] conduct an exhaustive investigation into the basic facts of the assassination. In fact, only the

most prominent problems were investigated, and many of the crucial, albeit less salient, problems were left unresolved. . . ."

None of this proves or even forcefully indicates that a single disturbed human being was not the cause of President Kennedy's death. Perhaps all the specific examples Epstein uses to strengthen his case will be easily refuted. If there are gaps, further study may swiftly close them. However, the attack on the nature and adequacy of the Commission's work is not easily dismissed. Even if Mr. Epstein is totally wrong in every discussion of specific evidence, and yet if he is right that the investigation itself was seriously incomplete, then we have not established to the limit of possibility that Lee Harvey Oswald acted alone to kill John F. Kennedy.

I find it hard to believe that the investigation was seriously flawed, but here is a book which presents such a case with a logic and a subdued and reasonable tone which have already disturbed the convictions of many responsible men. It may all rest on quicksand, but we will not know that until we make an even more extensive examination than the author has made. An independent group should look at these charges and determine whether the Commission investigation was so defective that another inquiry is necessary. Such a procedure will, perhaps unnecessarily, stimulate rumors and doubts and disturb the political scene. Yet there seems to be no other course if we want to be sure that we know as much as we can know about what happened on November 22, 1963.